IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.5413 OF 2004

IN

CRIMINAL APPLICATION NO.5331 OF 2004

Narendrasingh Avatarsingh Tuteja ...Applicant

Versus

The State of Maharashtra & Ors. ...Respondents

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Mr.H.V.Bhadbhade for Applicant.

Mr.D.S.Mhaisapurkar, A.P.P. for Respondent No.1.

Mr.S.M.Surve, I.O. is present.

Mr.Pranav Badheke i/b Mrs.Edith Dey for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 4, 2004.

(IN CHAMBERS).

P.C.

1. Heard Counsel for the parties. This smatter has been moved today because of the urgency

stated in the Application that the Applicant's father has expired this afternoon at 12.30 p.m. Fax message received in this behalf in the form of death certificate issued by Bafna Hospital and Orthopaedic Research is produced. It appears that the body has been preserved in Choithram Hospital Research Centre, Indore. The Applicant desire to attend to last rites of his father at Indore.

2. The Application is not supported by affidavit. Learned Counsel for the Applicant submits that there is no near relation of the Applicant available for swearing the affidavit. In this peculiar situation, the only course open to this Court is to allow the Applicant to attend to last rites of his father at Indore under police escort. The Applicant shall bear the expenses for police escort.

3. Mr.S.M.Surve, Police Inspector of the Economic Wing, is personally present when this order is dictated. He is directed to ensure that necessary formalities of providing escort to the Applicant are complied forthwith and not later than

12.00 midnight i.e. night between 4th and 5th of December.

4. Copy of this order be communicated to the Home Secretary as well as to the Additional C.P., In-charge of Escort Guard, forthwith, so that, they will ensure immediate compliance of this order. All concerned Officers shall extend necessary assistance to Mr.S.M.Surve, Police Inspector, who has been directed to ensure that escort is provided to the Applicant forthwith. This shall be done on priority basis, having regard to the peculiar situation. The Applicant shall be brought back to Arthur Road Jail on or before 7th December 2004.

5. Learned A.P.P. is directed to communicate this order to the concerned authorities including Secretary, Home Department and to the Additional C.P., In-charge of Escort Guard on telephone, to ensure that the order is complied as per the directions contained hereinbefore.

6. For the purpose of co-ordinating, if

Mr.S.M.Surve or any other person is required to travel or spend for that purpose, the expenses shall be borne by the Applicant.

7. This order is dictated in the presence of the Counsel and the Investigating Officer at 5.50 p.m. and the transcribed copy is signed at 6.20 p.m. Registry is directed to issue copy of this order forthwith, and to record the time of delivery of the order to the concerned on the file.

8. Application disposed of accordingly.

9. All concerned to act on the ordinary copy of this order, duly authenticated by the Sheristedar of this Court.

A.M.KHANWILKAR, J.